

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

No. 1:21-cr-40

Plaintiff,

Hon. Robert J. Jonker

v.

Chief United States District Judge

CHRISTOPHER ALLAN BODEN, a/k/a
“Captain,” LEESA BETH VOGT, a/k/a
“Lis Bokt,” a/k/a “Moose,” and DANIEL
REYNOLD DEJAGER, a/k/a “Daniel
Reynold,” a/k/a “Daniel Miester,” a/k/a
“Danichi,”

Hon. Phillip J. Green

United States Magistrate Judge

Defendants.

**DEFENDANTS’ JOINT UNOPPOSED MOTION FOR
ENDS OF JUSTICE CONTINUANCE AND SUPPORTING BRIEF**

MOTION

Defendants Christopher Allan Boden, Leesa Beth Vogt, and Daniel Reynold DeJager, by and through their counsel and pursuant to 18 U.S.C. § 3161(h)(7)(A), hereby request that this Court grant a 45-day ends of justice continuance adjourning all pending deadlines in this case, including but not limited to the August 27, 2021 final pre-trial conference and the September 21, 2021 trial date. Defendants request the extension based on the current briefing deadlines related to Defendants' pending Motion to Dismiss Counts 1–14 of the Indictment (ECF No. 37) and counsel's schedules.

Pursuant to Local Criminal Rule 12.4, undersigned counsel contacted Assistant United States Attorney (AUSA) Justin Presant, who informed Defendants' counsel that the United States does not object to the requested relief. Therefore, this Motion is "unopposed," and a Certificate of Concurrence will follow the filing of this Unopposed Motion for Ends of Justice Continuance.

SUPPORTING BRIEF

On February 21, 2021, the United States filed a 28-count Complaint alleging all defendants (Count 1) conspired to operate an unlicensed money transmitting business, in violation of 18 U.S.C. §§ 371 and 1960; (Count 2) operated an unlicensed money-transmitting business in violation of 18 U.S.C. §§ 1960 and 2; and (Counts 18–27) structured transactions in violation of 31 U.S.C. §§ 5324(a)(3), (d), and 18 U.S.C. § 2. (ECF No. 1, PageID.1–5, 14–15.) The indictment further alleges that Christopher Boden and Daniel DeJager (Count 3) conspired to launder money in violation of 18 U.S.C. § 1956(h); (Counts 4–14) laundered money in violation of 18 U.S.C. §§ 1956(a)(1)(A)(i), (B)(i), and 2; and (Counts 15–16) laundered money in violation of 18 U.S.C. § 1956(a)(3)(B). (*Id.* at PageID.6–12.) The indictment also alleges that

Christopher Boden (Count 17) laundered money in violation of 18 U.S.C. § 1956(a)(3)(B); and (Count 28) attempted to collect a debt by extortionate means in violation of 18 U.S.C. § 894(a). (*Id.* at PageID.13, 16.)

On April 12, 2021, the Court granted Defendants’ Joint Unopposed Motion for an Ends of Justice Continuance. (ECF No. 34.) On July 15, 2021, Defendants filed a Joint Motion to Dismiss Counts 1-14 of the Indictment (ECF No. 37.) Under the brief schedule permitted by the local rules, the Government’s response to Defendants’ motion is due on August 12, 2021. (W.D. Mich. LCrR 47.1(c).) Defendants’ anticipate requesting an opportunity for a reply brief at the Court’s discretion. (*Id.*) Presently, the final pretrial conference is set for August 27, 2021. Because the Government’s response and Defendants’ anticipated reply brief could alter the scope of the issues necessary to address at trial, Defendants’ respectfully request a 45-day continuance to permit adequate preparation for all parties in advance of the final pretrial conference. Moreover, counsel for Defendant Daniel DeJager would welcome a continuance in light of trials beginning August 5th and August 23rd and travel August 12th–17th. Counsel for Defendant Leesa Vogt likewise is travelling the first week of August and has a three-week trial beginning September 21, 2021.

This Court has wide latitude to exclude time from the 70-day Speedy Trial Act within which a defendant must be brought to trial in order to “respond to the needs of individual cases.” 18 U.S.C. § 3161(h)(7); *see also United States v. White*, 985 F.2d 271, 275 (6th Cir. 1993).

On July 26, 2021, AUSA Justin Presant informed Defendants’ counsel via a telephone call that the United States does not object to the requested relief. Consequently, the request is “unopposed” by the United States.

For the foregoing reasons, we respectfully request that this Court grant a 45-day ends of justice continuance of all pending deadlines in this case, including, but not limited to, the August 27, 2021 final pre-trial conference and the September 21, 2021 trial date.

Dated: July 26, 2021

/s/ Brian P. Lennon

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Dated: July 26, 2021

/s/ Brett A. Purtzer (with permission)

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